

W.P.

MEMORANDUM

on

A STATEWIDE COASTAL ZONE MANAGEMENT BOUNDARY  
(Task 6.2)

Prepared by

New York State Department of Environmental Conservation  
Office of Program Development, Planning and Research  
50 Wolf Road  
Albany, New York 12233

U.S. DEPARTMENT OF COMMERCE NOAA  
COASTAL SERVICES CENTER  
2234 SOUTH HOBSON AVENUE  
CHARLESTON, SC 29405-2413

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## Introduction

The purpose of this report is to explain the approach and delineation of a preliminary statewide coastal zone boundary based on first year program efforts by local contractors as well as the Department of Environmental Conservation (DEC). Included in the report is a discussion of the alternative boundary proposals submitted by each contractor plus a reference to the inventory work undertaken by DEC on geographic areas of particular concern (GAPC) which affect boundary delineation.

The Coastal Zone Management Act requires any state receiving a program development grant to identify the boundaries of that part of the coastal zone that will be subject to its management programs.<sup>1</sup> The subsequent regulations issued under the Act plus the threshold paper on boundaries prepared by the Federal Office of Coastal Zone Management (OCZM) provide further guidance to the State to develop and apply a procedure for identifying the boundary of its coastal zone.<sup>2</sup> To this end, technical guidelines were issued by the Department of State for use by contractors in initially identifying their respective coastal zone boundaries.<sup>3</sup> Reference is made to that document for the detailed discussion of program requirements, key objectives, definitions, limitations and boundary determination methods.

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<sup>1</sup>Coastal Zone Management Act of 1972, P.L. 92-583, Section 305 (b)(1).

<sup>2</sup>15CFR 920.11; and U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management: "Threshold Paper #1: Boundaries".

<sup>3</sup>New York State Department of State, Division of State Planning: "Coastal Zone Boundaries".

The technical guidelines state that "each contractor shall be responsible for the development and application of the detailed technical method for determining the most appropriate coastal zone boundaries for his territory." However, while these requirements have been satisfied in varying degrees by the contractors, putting together all of their boundaries would not necessarily result in a cohesive and consistent statewide coastal zone boundary. Two guiding principles defined by the OCZM clearly indicate that a statewide approach to an inland boundary is a necessary part of the CZM program. One specifies that the state must be capable of applying the policies, objectives and controls of its CZM program consistently within the entire coastal zone, while the other states that final inland boundaries submitted to OCZM for program approval must be determined after a clearly defined and documented procedure - one which incorporates a priority scheme for permissible uses and identifies areas of particular concern - has been applied.<sup>4</sup>

The section below expands upon the technical guidelines issued by DOS by specifying the approach taken to develop a preliminary statewide boundary that emphasizes the process of boundary determination rather than delineation of a final boundary. The preliminary statewide boundary which has begun to emerge will serve as a point for discussion during the public meetings to be held in the second year of the program.

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<sup>4</sup> The Office of Coastal Zone Management, The National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Inland Boundaries of a State's Coastal Zone, May, 1975, pp. 2-4.

### GUIDELINES AND ASSUMPTIONS

DEC's approach to delineating a preliminary statewide boundary rests on several guidelines and assumptions. First, the State technical guidelines suggest a two step boundary delineation process. The first step would establish a boundary encompassing a specific coastal planning area larger than the final coastal zone boundary. The second step would involve a reduction of this area as boundaries are refined based on appropriate analysis and evaluation of data, policies, and program findings.

Second, DEC assumed that the larger area delimited in the first step should be delineated by either a landward line 1000' from the water's edge or a line 10' in elevation higher than the mean high water elevation. This would encompass most of those shoreland uses " which have a direct and significant impact upon coastal waters." In low-lying shoreline areas, use of the 10' contour line as the landward boundary is most appropriate since it is assumed that uses within this line would directly affect coastal waters even though lying beyond the 1000' distance from the water's edge. Conversely, where bluffs rise directly from the water's edge, use of the 10' contour line is inappropriate since only a small, almost vertical area would lie within the boundary. Here, use of the 1000' line from the water's edge is most desirable.

In many areas, in fact, such a line may encompass a larger area than needed for management purposes and will be reduced later in accordance with the first guideline above.

Third, for this first effort, the delineation of multiple boundaries was not undertaken. However, the probability is high that a form of the multiple boundary approach will be needed to accommodate the different types of management controls required to protect and/or preserve certain GAPC's. At this time, it is not possible to delineate those areas where different intensities of management controls

are needed since all such areas have not yet been identified. Certainly, however, it would be expected that an area containing extensive dunes and wetlands would require different management controls than an area where agriculture is practiced to within twenty feet of the shoreline. Once all such areas have been identified, the need for different degrees of management controls will be considered and boundaries drawn to the extent necessary for control. In this sense, then, multiple boundaries will undoubtedly be a feature of New York's CZM program.

Fourth, the first version of Threshold Paper #1: Boundaries, prepared by the OCZM, said that "the State must define the boundary geographically so that it is capable of being mapped, and so that the State can determine with reasonable ease and speed whether the holdings of any property owner lie within the coastal zone." While this statement has been removed from the subsequent version of the boundary threshold paper, DEC feels that it is still valid and that it makes a strong case for delineating a preliminary boundary defined by the boundaries of minor civil divisions or by cultural features such as highways, railroad tracks, utility lines, etc. Such a boundary, incorporating the biophysical features which should be in the coastal zone and located as near as possible to the 1000' line or 10' contour line, will facilitate the ready identification of property in the coastal zone. The necessity for costly surveys and mapping will also be eliminated.

Fifth, as additional GAPC's are designated, as Federal lands are identified and excluded, and as public hearings take place, adjustments and refinements to the preliminary boundary will be made.

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### NEXT STEPS

Immediate next steps, during months one and two of the second year program, include completion of the preliminary statewide boundary mapping and analysis tasks identified as necessary for public participation purposes. These tasks are:

1. Completion of the mapping of the preliminary statewide boundary on tracing paper overlays of 1:24,000 U.S.G.S. topographic sheets.
2. Preparation of mylar overlays for selected quad sheets of the preliminary statewide boundary to be photographed for the public meetings.
3. Preparation of preliminary statewide boundary maps at any other scale or level of detail deemed necessary for public discussion purposes.
4. Preparation of a report for public participation purposes which discusses the preliminary statewide boundary in general terms and region by region and includes the approach and rationale for this boundary selection.

During the remainder of the year, adjustments to the preliminary statewide boundary will be made based on the following considerations:

1. The results of the public meetings.
2. Identification and mapping of additional GAPC's.
3. Identification and mapping of excluded Federal lands.
4. Designation of permissible and priority uses.
5. Resolution of conflicts between natural resource and economic development factors.

At the end of the second year, based on the outcome of the public hearings and other considerations, adjustments will be made to the preliminary

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## SUMMARIES OF LOCAL CONTRACTOR BOUNDARIES

### 1. Nassau-Suffolk Regional Planning Board

Landward boundaries are recommended based on a combination of the following, mapped by DEC to include the maximum land areas: the 10' contour line; a line located 1000' inland from the shoreline at mean high water; a line located 1000' from the banks of any stream, ditch or drainage way discharging to coastal waters and the outer periphery of any contiguous freshwater wetland (as identified pursuant to the NYS Freshwater Wetlands Act of 1975) or other contiguous areas of critical concern. These latter areas included: significant fish and wildlife habitats; flood plains and the extent of the 100 year flood; groundwater aquifers and water supply sources; steep slopes subject to erosion; presence of unstable land forms such as beaches, dunes, and bluffs; landward limit of marine influenced vegetation; and the landward limit of tidal flow.

### 2. City of New York Department of City Planning

The CZM/NYC coastal area boundaries are structured within four management zones. The boundary lines are preliminary and represent a synthesis of information gathered to date.

- A. The waters edge zone extends seaward 3 miles from the U.S. Pierhead line. The Pierhead line was chosen because of its management implications. City jurisdiction presently extends to the Pierhead line. Contained within the zone are the marine tidal wetlands and the littoral zone. Significantly, these two areas are interrelated subsystems of the marine bio-system. The limits of the littoral zone/ marine tidal wetlands extend seaward to a depth of approximately 30' and are so indicated on the waters edge zone maps.



- B. The waterfront related zone includes both man-made and bio-physical features. It extends landward from the U.S. Pierhead line to a boundary line delineated by one or more of the following features: Marine Tidal Wetlands within the U.S. Pierhead lines, freshwater wetlands, flood plains, beaches, parks, watersheds, streams, lakes, ponds, many arterial roads, the 10' and 20' elevation, 1000' protective areas from banks of sensitive ecological systems, and man-made features including promenades, buildings, piers, and geologic features. The zone is the most complex as it requires a careful integration of man-made uses and features, with the marine-related biophysical features. The area included within the boundary is under N.Y.C. jurisdictions, providing a management logic to the boundary. It should be noted at this point that the four zones have overlapping jurisdictions: A overlapping with B,C and D encompassing both A and B. Overlaps represent areas of public interest, be they community or governmental, as well as management concerns.
- C. The water related upland zone is defined inland by the boundaries of the existing Community Planning Districts (CPD) contiguous with the waterfront. The Districts, as required by the N.Y.C. Charter Revision, will have an active role in all land use decisions. Data base information is gathered by CPD and is updated by the Department of City Planning. The information base and the listing of public participation by CPD suggests a natural forum for the plans, policies and programs of the CZM. The boundaries of the CPD's represent the inland limits of the coastal area.

D. The water related airspace zone is a new concept for New York City.

It completes the three dimensionality of the coastal area. Consideration is given to air quality, noise or acoustical sources, and scenic views. For the moment 1000' has been selected as the upper boundary. Additional Work remains to be done in order to refine the concept.

3. Columbia County Planning Department

In drafting the preliminary boundaries, it was the intent of the CCPD to include lands immediately adjacent to the river course which have the most pronounced impact on river quality conditions. All areas under tidal influence were included, as were lands which formed the drainage areas for the river as far inland as necessary to include the major terrestrial influences. While the larger streams entering the river carry materials from inland areas a number of miles from the shoreline and influence the coastal quality to some degree, the inland boundaries were restricted to points within a reasonable distance from the river to facilitate management program implementation.

Once the areas of concern were identified, based on the various physical, biological and social factors involved, a boundary was laid out which followed highways, power transmission lines and other easily recognizable features which were able to include these areas of concern. In addition to this primary area, secondary zones were laid out which have an impact of lesser magnitude on the shore areas, but are still considered to be of major importance to the coastal zone program.

4. Capital District Regional Planning Commission

CDRPC has defined an interim coastal zone boundary of one mile from the shoreline of the Hudson River for planning purposes.

For management purposes, a biophysical/administrative boundary alternative was chosen based on a combination of factors. These included existing land uses, contour lines, configuration of stream valleys draining into the Hudson, political boundaries, transportation arteries and utility lines (for ease of demarcation), planned future land use, and QDRPC's Preliminary Regional Development Plan.

5. Black River - St. Lawrence Regional Planning Board

Delineation of the preliminary coastal zone was based upon a combination of natural and man-made features including drainage basins, highways, political boundaries, and existing land use. Four alternatives are delineated.

6. Central New York Regional Planning and Development Board

Under the CNYRPDB Coastal Zone Management Program, an area was recognized and designated as being within the coastal zone if one or more of the land and water surface criteria were evident in areas adjacent to the Lake Ontario shoreline. No one element was construed as being more important than another. Rather, determination of a coastal zone for planning or management program purposes was to be dependent upon the characteristics of a particular tract or area of land.

Consideration of this discussion as a premise limited the potential coastal zone boundary to a relatively small area, running more or less parallel to the Lake Ontario shoreline.

Three alternative boundaries were depicted based on varying degrees of strictness of interpretation of the Federal and State guidelines. The first alternative is almost exactly the same boundary which the St. Lawrence-Eastern Commission (SLEOC) uses as the inland limit of its "primary coastal zone," the area in which that agency performs detailed project reviews of develop-

ment proposals. Boundary alternatives two and three have more extensive boundaries based on the growing salmon sports fishing activity in several streams flowing into Lake Ontario.

7. Genesee/Finger Lakes Regional Planning Board

Maps were prepared delineating the tentative coastal zone for the counties of Wayne and Orleans. The boundaries are based on a number of various considerations-natural systems, 100 year flood plains, state owned properties, prior shoreline studies, federal and state guidelines, and local and county input. The boundaries remain as preliminary designations pending further consideration of various factors throughout the planning phases.

8. Monroe County Department of Planning

The delineation of the coastal zone boundaries took into account the following factors: guidelines in federal legislation and in the Coastal Zone Management Program contract, the boundaries established in previous studies of the coastal zone, natural characteristics, cultural features, and public input.

Guidelines from the federal legislation were followed to ensure that the boundaries would extend "inland from the shoreline only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." In addition to these general guidelines, the Coastal Zone Management Program contract sets fourth a minimum area to be included in the coastal zone boundaries. The boundaries ultimately established include all of the area specified in the contract, but also extend in some cases beyond this area to take into account the boundaries established in other studies of the shoreline, important natural features, certain cultural features and public input.

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The boundaries as defined so far were presented to the individual town policy committees for review and were modified accordingly. The modifications were relatively minor, involving a reduction of the proposed coastal area in Greece and an expansion of the area in Irondequoit. It should be pointed out that the town supervisor and planning board representatives were present at these town meetings, in addition to numerous citizens.

9. City of Rochester Department of Community Development

The boundaries of the coastal zone for Rochester were defined by the Division of State Planning as:

- That portion of the Genesee River from its terminus at Lake Ontario south to the Extent of Tidal Action (approximately Stutson Street).
  
- Adjacent land area located between the Genesee River shoreline and Lake Avenue on the west and the City line on the east, as far south as Stutson Street.
  
- Land within the City of Rochester located between the Lake Ontario shoreline and Beach Avenue on the south.
  
- Estuary type areas within Durand Eastman Park.